

PESTICIDE ENFORCEMENT WORK PLAN FOR YUBA COUNTY CALENDAR YEARS 2011 - 2013

County Resources

- Yuba County has five licensed biologists devoting approximately 3.68 man years to the Pesticide Use Enforcement (PUE) Program which resulted in a total of 7664 licensed man-hours in FY 08/09.
- A fifth biologist recently hired is in the entry level position and is being trained at every opportunity.

A. Restricted Materials Permitting

Permit Evaluation

- Approximately 230 Restricted Materials Permits (Permits) and 46 Operator Id's issued annually.
- Permits are only approved and issued by five licensed and trained staff.
- Permits are approved through verification of having passed a private applicator exam, qualified applicator certification exam or possess an applicators license.
- County administers private applicator certification exam on an individual basis.
- Appointment is required for permit issuance and certification exam.
- Testing takes approximately one hour.
- Yuba County uses an AG GIS mapping program to help evaluate environmental concerns for sites identified on permits. Feasible alternatives to restricted pesticides are considered and implemented when appropriate.
- Permits are entered into the database and printed out for signature. When the program is not operational, the permits are recorded on an approved form (PR ENF-125).
- Permits are issued to operator of property or authorized representative (either an employee or farm management firm), non-ag permits may be issued to Pesticide Control Business (PCB).
- Letter of authorization is required for issuance of a permit when the signature is by someone other than operator of the property.
- Permits are valid for one year from date of issuance.
- All permits are site specific and a map of the sites is provided to the permittee
- All sites are identified by an alpha-numeric system.
- Adjacent environment around sites and sensitive areas which include homes, schools, waterways etc. are identified on aerial photos or electronic maps.
- Permit checklist reviewed with permittee at time of issuance includes:
 - Review of past compliance issues or any violation history.
 - Review file for use report compliance.

- Assure applicant is a certified private applicator.
 - Update computer map, documenting any new sensitive areas.
 - Review restricted material permit conditions including wellhead protection, groundwater protection, and dormant spray conditions, stressing importance of keeping pesticides out of river and no spraying before storms, etc.
 - If applicant has employees-review county worker safety form for “Handlers, mixers, loaders, applicators”, training records, PSIS, appropriate inspection forms.
 - Schedule headquarters inspection when appropriate.
 - Review Notice of Intent (NOI) log and instructions.
 - Review California restricted materials list to keep grower and permit up to date.
- For permit amendments, a notation is made on PR-ENF-125A and both the permittee and a biologist are required to sign and date the amendment.
 - Approximately 1000 NOI's are received a year.
 - 24 hour NOI's are required. In some situations 48 hour NOI's are required.
 - NOI's are accepted by telephone to the main telephone line, fax, or in person and are monitored between 8 am-5 pm, Mondays –Fridays.
 - After hours the NOI's are picked up by answering machine. NOI's are picked up by staff on weekends during the busy seasons.
 - Licensed staff review NOI log to assure consistency with permit and contains required information.
 - A permit or NOI is denied or conditioned recognizing and utilizing appropriate mitigation measures.

Strengths

- All five staff biologists are licensed in pesticide use enforcement and able to work in all fields of pesticide use enforcement.
- Enforcement actions are reviewed by current licensed staff for uniformity.
- Training sessions and staff meetings are scheduled appropriately.
- Staff experience and knowledge of local conditions helps to reduce substantial adverse environmental impacts.
- Consistent cropping patterns.
- Issuance of one year permits even for permanent crops allows for regular review of permits, reducing chances for potential adverse impacts.
- Due to the cropping patterns and types of restricted materials used, permit conditions are generally standardized.
- Staff attends PUE training provided by DPR.

Weaknesses

- Learning the existing AG GIS permit issuance system is very time consuming. This system will be replaced with a new system for permit issuance starting in 2012. Therefore additional training and development time will be required.
- Ag-urban interface is a continuous problem due to rapid housing growth.

- Licensed biologists are assigned specific districts. When they are required to work outside their district they are less familiar with the sensitive issues
- During peak pesticide use periods and other concurrent program needs, it is difficult to meet all PUE inspection needs.

Goal or Objective

- The goal of the Yuba County Department of Agriculture is to provide accurate permits to our growers that contain as much relative information regarding each site as possible to assure that the public and the environment are protected.
- Incorporate the new pesticide permit and use reporting system that will be implemented statewide beginning in 2011.

Deliverables

- Continue updating all existing restricted material maps with new field digitized GIS sites overlaid with aerial photography to assist in accuracy when evaluating permits for adverse environmental and health effects.
- Review permits that have restricted materials that have not been used in the past and work with permittee to eliminate such pesticides.
- Assure complex NOI's contain all the required information. i.e., grower notifications, written recommendations etc.
- Evaluate all permits for adverse environmental impact.
- Identify problem areas with staff training, timelines, and follow-up reviews.
- Continue to provide computer help to the many counties who are in need.

Measure of Success

- Annually evaluate permit process for deficiencies or areas of concern.
- Review all restricted material permit files for the following corrective actions: site specific GIS and aerial photo maps, site identification and any pesticides not used in the past.

Site Monitoring Plan Development

- Approximately 1500 annual sites
- Majority of NOI's are for the following restricted materials/crops:
 - Herbicides for rice, received April – August.
 - Section 18 for walnuts, received March – mid June.
 - Herbicides for tree and field crops, received throughout the year.
 - Aluminum phosphide, sulfuryl fluoride, and methyl bromide for commodity fumigations.
 - Azinphos, Carbaryl, Methyl Parathion (PennCap) for dormant and summer tree crops spraying.
 - Vikane for structural fumigations, approximately 10-15 per year.
 - NOI's are reviewed by licensed staff.
- Sites to evaluate are based on:
 - hazard of pesticide use by crop
 - applications with a potential for drift
 - applications near roads, residences and sensitive areas

- environment condition with respect to cropping and fieldwork patterns
 - local conditions
 - worker safety requirements
 - compliance histories
- A minimum of 5% of pre-application site inspections are performed.
- At least one inspection is performed on all nonagricultural permits issued.

Strengths

- Current staff has many years of experience in county with knowledge of local conditions.
- Minimal crop changes to adjacent environments of sites to be monitored.
- Excellent communication and coordination between our licensed staff and the Assistant Commissioner and Commissioner to consider special situations.
- Knowledgeable office staff work closely with clients.

Weaknesses

- Licensed staff are challenged in prioritizing PUE requirements during periods of high pesticide usage.

Goal or Objective

A commitment to implement measures that ensure a site-monitoring plan that takes into consideration pesticide hazards such as, but not limited to, agriculture/urban interfaces, sites within a quarter mile of schools, ground water protection areas, rice herbicide monitoring program, fieldwork patterns, handler / permittee, compliance histories.

Deliverables

- Pre-application site inspections will be performed on a minimum of 5% of the notices of intent.
- Create a schedule during busy seasons to assure that all NOI's are reviewed by licensed staff.
- All NOI's are approved or denied by license staff.
- For all NOI's that are denied, the applicator will be notified and the NOI will be recorded on the NOI denial form.

Measure of Success

- Assessing the number of complaints received from agricultural/urban interfaces will help to evaluate needs to address pesticide issues.
- Continuous evaluation of our site-monitoring plan for deficiencies.
- Prior to end-of-year, review Pesticide Regulatory Activity Monthly Report (PRAMR) to determine if the required 5% pre-application site inspections were performed.

B. Compliance Monitoring

Comprehensive Inspection Plan

- Inspections are performed by licensed staff.

- Inspections are performed between 8 am-5 pm, Mondays-Fridays. During the peak pesticide use periods, this office provides up to 7 day coverage.
- Targeted inspections are prioritized by applicator compliance history and employee worker safety requirements.

Strengths

- An effective targeted inspection plan utilizing the following components:
 - A comprehensive GIS site mapping program.
 - An annual permit cycle to update growers on important pesticide issues and changes in laws and regulations.
- Enforcement districts are assigned to biologists allowing them to become ultimately familiar with the pesticide usage and cropping patterns in those areas.
- Increased compliance monitoring activities at sites near areas identified to be environmentally sensitive such as schools, daycare centers, wildlife areas, waterways, new housing developments and sensitive crops.
- High rate of headquarters inspections provides educational opportunities designed to prevent future violations.
- At annual permit issuance, compliance history is reviewed with each permittee.

Weaknesses

- Non-uniform enforcement implementation throughout the county enforcement districts.
- Experienced staff accrues vacation time and during busy seasons when demands are high staff must take time off to comply with maximum vacation limits and this reduces man-hour availability.
- The Automated Inspection Reporting System (AIRS) requires a significant amount of man-hours to implement and operate.

Goal or Objectives

Maintain a presence within the industry and provide effective monitoring that protects handlers, the public, and the environment.

Deliverables

- Maintain frequency of inspections for headquarters and dealers.
- When violations are documented during monitoring inspection activities, when warranted a headquarters inspections will be performed according to DPR Policy
- Maintain targeted inspections for situations where WHS violations have occurred in the past or have a potential to occur.
- The County will coordinate follow-up headquarters inspections which may be required due to non-compliances noted during an original oversight inspection conducted under the supervision of the DPR-Enforcement Branch Liaison (EBL)
- Enforce laws, regulation and follow the DPR Enforcement Response Policy.

Based on our inspection program evaluation, the following inspection goals were determined:

PRE-APP	5%
MIX & LOAD	
PROP OPERATORS	50
BUSINESSES	30
HDQTRS EMPLOYEE SAFETY	
GROWERS	15
BUSINESSES	1
STRUCTURAL	2
APPLICATION	
GROWERS	55
BUSINESSES	35
STRUCTURAL	
BRANCH I	1
BRANCH 2	5
COMMODITY	2
FIELD FUMIGATION	1
FIELD WKR SAF	3
BUSINESS RECORDS	
PEST CONTROL	1
DEALER	1
ADVISER	1
WATER HOLDING	50

Measure of Success

- The goal of a comprehensive inspection plan is to improve the PUE program and increase compliance. A decrease in non-compliances can be an effective indicator of success if all other things are equal. Our current plan will allow for flexibility for changes that may occur with pesticide use activities or with changes in priorities within the county or at the state level. Periodic review by licensed staff and by our EBL will help in analyzing our measure of success in the program.

Investigation Response and Reporting Improvement

- Pesticide-related investigations are conducted by five trained staff:
- Complaints are received by administrative staff and recorded on an in-house form.

- Once received they are forwarded to the Pesticide Enforcement Supervisor in the assigned district. All complaints or incidents that may be related to pesticides receive a response and results are documented on complaint forms or investigative reports.
- All investigation and complaint reports are reviewed and approved by the Assistant Commissioner and the Pesticide Enforcement Supervisor.
- Assure that all priority and non-priority investigations are completed according to DPR Policy and guidelines and that they are accurate, timely and identify violation (if any) and appropriate enforcement action is taken.

Strengths

- Pesticide Enforcement Supervisor and Assistant Commissioner review and identify program/training needs.
- Routing of the investigation/complaint goes directly to the Pesticide Enforcement Supervisor and review and approval goes directly to the Assistant Commissioner.
- Low number of complaints received by the county allows for ability to respond and complete investigations and reports in a timely manner.
- All licensed staff is kept current with investigative training and procedures.
- Relatively low number of investigations/complaints indicates good grower cooperation.

Weaknesses

- Staff report writing skills require improvement.

Goal or Objective

- Assure that investigations are accurate factual and contain all the elements necessary to detail a complete accounting of an event. To that end include secretarial staff to review investigative narratives to assure accuracy.
- Have staff attend report writing, investigative, and other related training-when provided.

Deliverables

- Assure timely episode investigation initiation, accuracy, and completion.
- Attendance at available training programs.

Measure Success

- Review Complaint/Investigation Log to ensure that all episodes are handled according to department and DPR Policy in a timely manner.
- Improved report writing skills-evaluated by Pesticide Enforcement Supervisor and Assistant Commissioner.

C. Enforcement Response

Enforcement Response Evaluation

- Inspections that indicate non-compliance will be reviewed by the Pesticide Enforcement Supervisor and the Assistant Commissioner.
- PUE staff meetings are held periodically and issues related to PUE staff are reviewed as well as non-compliances that have not previously been reviewed.
- At the staff meeting, the elements of the non-compliance are discussed as well as the past history. This is done as a training tool as well as establishing a direction for the enforcement. The decision as to the appropriate action is made by the Assistant Commissioner and the biologist involved in the action. The enforcement response regulations are followed.
- Investigations and/or inspections are reviewed to ensure that adequate evidence is present to substantiate any cited violation(s). If the evidence is insufficient to prove the violation, the case is returned to the biologist for further investigation.
- Actions, whether they are compliance or enforcement actions, are prepared by the biologists. They are then reviewed by the Pesticide Enforcement Supervisor and Assistant Commissioner.
- When a civil penalty action is to be proposed, the fine guidelines and hearing procedural guidelines are followed. Generally, proposed actions are prepared by the Assistant Commissioner and reviewed by our DPR liaison for concurrence on violations and fine levels.
- All Notice Of Proposed Actions (NOPA)'s provide respondents with detailed information on alleged violations, proposed fine level, and their right for an opportunity to be heard.
- A Pesticide Enforcement/Compliance Action Summary is prepared for every NOPA.
- Copies of inspection reports with non-compliances are filed in the permittee's file for Biologist to review at time of permit issuance.

Strengths

- All licensed staff are involved in the enforcement process from beginning to end, whenever possible, which is an excellent training tool, resulting in a more uniform and consistent enforcement program.
- Copies of reports and actions with non-compliances are filed in permittee files allowing for review of violator's history at time of permit issuance. This tool is used to prevent repeat violations.
- Use of enforcement actions and fines as a tool to improve compliance.

Weaknesses

- During periods of high pesticide usage, i.e. rice growing season, we do not have sufficient staff to cover all of the county's enforcement needs.

Goal or Objective

The goal of the ERR summarized above, is to provide a timely and fair response to non-compliances. The actions must be consistent and fair in order to maintain the respect of the regulated industry as well as maintaining the integrity of this office.

Deliverables

- Consideration of all appropriate enforcement options.
 - Application of the enforcement response regulations.
 - Use of Citable Sections as resource.
 - Application of the Fine Guidelines.
- Timely response
 - Set PUE staff meetings on a regular, or as needed, schedule.
 - Oversee support staff to be sure civil penalty actions are sent out promptly after signature of the Commissioner.
- Steps County undertakes to follow through on pending action
 - At beginning of each PUE staff meeting, review actions approved at last meeting to verify that all have been completed and submitted to Assistant Commissioner for review.

Measure of Success

- Mid and end of fiscal year, review of Enforcement Action Tracking File to verify if decrease in repeat non-compliances by violators.
- End of year review of enforcement response to determine if effort was directed at violations that pose the greatest risk to people or the environment.